

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CLARK WOODY P. GREGORY VELEZ
JEFFREY S. HOFFMAN and STEPHEN P. GANGLER

Application No. 09/614,898

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the application indicates that the following headings are missing from the Appeal Brief of May 2, 2005:

- 1) "Evidence appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related proceedings appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A supplemental brief that is in compliance with 37 CFR § 41.37(c) is required.

An Information Disclosure Statement (IDS) was filed on July 11, 2002. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

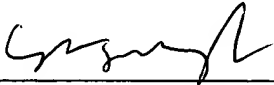
Accordingly it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of May 2, 2005 defective;
- 2) for applicant to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the supplemental Appeal Brief, and, if necessary, vacate the Examiner's Answer mailed June 28, 2005, and issue a new Examiner's Answer in accordance with the new rules;
- 4) consideration of the above mentioned IDS;
- 5) written notification to appellant regarding the result of the examiner's consideration; and
- 6) for such further action as may be appropriate.

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By: _____


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